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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**PLAINTIFFS' STATEMENT IN
SUPPORT OF WHETHER
PLAINTIFFS' DEPOSITION
TRANSCRIPTS AND RELATED
EXHIBITS SHOULD BE SEALED**

**ASSIGNED FOR ALL PURPOSES
TO THE HONORABLE DISTRICT
JUDGE JON S. TIGAR,
COURTROOM 6**

Action Filed: 03/14/2024
Trial Date: Unassigned

PLEASE TAKE NOTICE that, pursuant to local Rule 7-11 and Local Rule 79-5, plaintiffs Jane Roe, Barabra Roe, Mary Roe, Susan Roe, and John Roe (collectively the “Individual Plaintiffs”), file this Statement in Support of Whether Plaintiffs’ Declarations and Related Documents Should be Filed under Seal. The materials sought to be sealed by this administrative motion are portions of the depositions of Plaintiffs, and related exhibits, filed in support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction. Individual Plaintiffs seek an order permitting their identifying information be redacted and remain under seal.

I. LEGAL STANDARD

Under Local Rules 79-5(c)(1) and 79-5(f), a party seeking to keep a document under seal must provide a specific statement of the applicable legal standard and the reasons for sealing, including an explanation of (i) the legitimate private or public interests that warrant sealing, (ii) the injury that will result if sealing is denied, and (iii) why a less restrictive alternative to sealing is not sufficient.

A party seeking to file materials under seal bears the burden to show materials are deserving of confidentiality. (*Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir.2005).) Federal courts have allowed plaintiffs to use pseudonyms for various reasons, including when “identification creates a risk of retaliatory physical or mental harm.” (*Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000).) Plaintiffs may seek anonymity to protect themselves from retaliation by third parties. (*Does I thru XXIII*, 214 F.3d at 1070 [the trial court erred in discounting the threat of retaliation from the Chinese government and recruiting agencies for garment workers in Saipan].) The courts consider whether a plaintiff’s surroundings and circumstances support anonymity to protect against possible threats of violence. (*Jane Roes 1-2 v. SFBSC Mgmt., LLC*, 77 F. Supp. 3d 990, 995 (N.D. Cal. 2015) [exotic dancers granted anonymity due to their proximity to possibly dangerous clientele].) Here, the Individual Plaintiffs live in a neighborhood with frequent acts of violence that are believed to be connected to gang-

1 related narcotics trade.

2 **II. BACKGROUND AND DISCUSSION**

3 **A. Plaintiffs Are Particularly Vulnerable and Reasonably Afraid of** 4 **an Ongoing Threat of Severe Harm.**

5 Pursuant to a prior order of this Court, and recognizing that Defendants have
6 only included Individual Plaintiffs' identifying information only where it was
7 unavoidable or necessary, the Individual Plaintiffs respectfully request that their
8 identifying information be redacted and remain sealed in connection with
9 Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction. The
10 Individual Plaintiffs have previously filed applications for permission to use
11 pseudonyms, which the Court granted. (ECF Nos. 18, 19, 28-30.) The Individual
12 Plaintiffs did so based on their well-founded fear that public disclosure of their
13 identities could expose them to retaliation by those engaged in the Tenderloin's
14 narcotics trade. (ECF No. 19-2, Jane Roe Dec.; ECF No. 19-4 Susan Roe Dec.; ECF
15 No. 19-3, Mary Roe Dec., ; ECF No. 19-5, John Roe Dec., ECF No. 19-6, Barbara Roe
16 Dec.) Thus, they reasonably fear that revealing their true names would put them at
17 risk of being harmed in retaliation by persons involved in those criminal enterprises.
18 The Individual Plaintiffs therefore have a legitimate and overriding private interest,
19 their safety, that warrants the sealing of their identifying information.

20 The relief requested here is narrowly tailored, Plaintiffs do not seek to seal the
21 entire supporting deposition testimony or all exhibits, but only those that contain
22 their identifying information. This is the least restrictive means of protecting
23 Plaintiffs' safety while leaving the substance of the parties' arguments available to
24 the public, in full compliance with Local Rule 79-5. In totality, the redaction and
25 sealing of Plaintiffs' identifying information in Defendants' Opposition to Plaintiffs'
26 Motion for Preliminary Injunction is the only sufficient means to seek the
27 administrative relief related to the instant motion. This is the process the parties
28 conferred and agreed upon in taking the depositions of Plaintiffs to address each

1 parties' needs and concern.

2 **B. There Would Be Little to No Prejudice to the City.**

3 The City would experience little to no prejudice if this motion is granted
4 because the City is already aware of the true names and relevant information of the
5 Plaintiffs, the parties agreed in advance identifying information elicited during their
6 depositions should be designated confidential and filed under seal, and only
7 identifying information is sought to be filed under seal

8 **C. The Public Interest Supports Anonymity.**

9 Here, preserving the anonymity of the Individual Plaintiffs would be in the
10 public's interest. The important issues of public concern presented by this lawsuit are
11 furthered if the Individual Plaintiffs, who seek no monetary compensation, are not
12 intimidated and fearful about going forward. (*Does I thru XXIII*, 214 F.3d at 1073
13 [fictitious names are in public's interest if it enables plaintiffs to bring legitimate
14 claims that they would otherwise be deterred from bringing.]). Individual Plaintiffs
15 only seek to keep their identifying information under seal where it appears.
16 Plaintiffs' do not seek to keep under seal the the substance of their testimony on the
17 issues raised in their motion.

18 **D. Portions of Defendants' Opposition to Plaintiffs' Motion for
19 Preliminary Injunction Sought to be Redacted.**

20 The portions of Defendants' Opposition to Plaintiffs' Motion for Preliminary
21 Injunction sought to remain under seal are attached to the Declaration of Ashcon
22 Minoiefar in the format provided by the Proposed Order filed by Defendants.
(Declaration of Ashcon Minoiefar, ¶ 2.)

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1 **III. CONCLUSION**

2 For the foregoing reasons, the Individual Plaintiffs ask that this Court permit
3 their identifying personal information filed as part of Defendant's opposition to
4 remain under seal. Plaintiffs' do not object to the remaining deposition testimony
5 being filed publicly.

6
7 Dated: September 29, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

8
9 By: 

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PROOF OF SERVICE

**Jane Roe, et al. v. City and County of San Francisco, et al.
USDC-Northern California Case No. 4:24-cv-01562-JST**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

**PLAINTIFFS' STATEMENT IN SUPPORT OF WHETHER PLAINTIFFS'
DEPOSITION TRANSCRIPTS AND RELATED EXHIBITS SHOULD BE
SEALED**

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7 **BY ELECTRONIC TRANSMISSION:** Pursuant to CCP 1010.6(e), I caused
8 the above-titled document(s) to be electronically served on the persons at the
electronic service addresses listed.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct and that I am employed in the office of
a member of the bar of this Court at whose direction the service was made.

11 Executed on September 29, 2025, at San Francisco, California.

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Kirsten Benzien
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